REMARKS

Terminal Disclaimer

Submitted with this amendment is a Terminal Disclaimer, in compliance with 37 CFR 1.321(c), in order to overcome the non-statutory double patent rejection on claims 1-32 of U.S. Patent 6,375,077 of the same inventor. The disclaimer includes a statement that the patent and the present application are commonly owned by the assignee, Intellident, Ltd., although the face of the patent does not indicate an assignee. Efforts are being made to retrieve the necessary documents showing that Intellident, Ltd. Is the common owner, and will be submitted to the Patent Office when received.

It is believed that the Terminal Disclaimer overcomes the rejection on non-statutory double patenting.

Rejection

Claims 1, 12, 13, and 14 were objected to because of certain informalities therein. These informalities have been removed in compliance with the Examiner's suggestions, hence the objections thereto are overcome.

Claims 1 through 14 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,478,989 to Shepley (hereinafter "Shepley") which is cited in applicant's specification and over which the present invention is an improvement. As a consequence, claim 1 is being canceled and rewritten as new claim 15, and claims 2 and 3, the limitations of which are incorporated into new claim 15, have been canceled. The dependencies of the remaining claims have been changed, where necessary, to accommodate the new claim 15. All of the claims presently in the case are believed to be allowable for the following reasons.

In new claim 15, the system provides a processing unit having a database including the relevant data, and a remote user means operable by the user which transmits to the processing unit a product identifier and a user identifier which generates a sub-database in accordance with the identified user's needs or preferences. Thus, the remote user means is all that the user is supplied with and has no processing capacity. Further, as now called for in claim 15, the user identifier signal causes the processor to call up the sub-database applicable to the identifier user, where the sub-data base is permanently stored in the processor, or to generate a sub-database for the identified

user which is temporarily stored while the user operates the remote user means during shopping or other activity.

Shepley, in the embodiments disclosed, utilizes stand-alone units including a user input (but not a sure identifier), such as a magnetic card, food input means, and a processing means, such as stand-alone unit is mounted, for example, in the shopping carts. It appears that there are one hundred processing units. Shepley does not disclose the generation of sub-database as claimed in claim 15 but, rather, relies upon a user card which, as shown in Figs. 4 and 4A of Shepley, informs the processor of the preferences of the user. There is, in Shepley, no generation of a sub-database, as called for in claim 15, nor such a database specific to a particular user, as presently claimed. Shepley is completely silent as to the transmission of a user identifier to the processing unit, as called for in claim 15. In those instances where the sub-database specific to a particular user is permanently stored in the processing unit (as claimed in claim 4), a simple user identifier, which can be a driver's license, credit card, or the like, is all that is necessary to call up the desired data base. Such an arrangement is immeasurably simpler and quicker than prior art arrangements, including Sheply.

With regard to the sub-database itself, which relates to the particular user, it is always in the control of the system, i.e., the store. Thus, it can be amended to add new products or remove products no longer available. Shepley, on the other hand, discloses only two options, the first being direct access to the entire database and the second being the generation of data based upon the user's food choices each time those choices are made. Further, the claimed system with a generated sub-database allows access to that sub-database solely by the user's identification. Every time there are desired or necessary changes to the user's sub-database, there is no necessity of re-programming a magnetic card, which would be the case in the Shepley arrangement, nor to re-access the main database, which would require significant processing capacity and time.
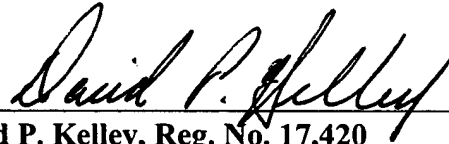
For these reasons, it is believed that claim 15 is clearly allowable. Claims 4 through 10, dependent directly or indirectly on claim 15 are likewise believed to be allowable.

Claim 11 is directed to a user portable device for directing to a remote processing unit the service identifier and an identifier of either the portable device or the user of the device. Such a device is not shown or suggested by Sheply, hence, claim 11 is believed to be allowable thereover.

Claims 12, 13, and 14 are directed to a selection system for aid to a user in selecting a service in accordance with one or more user preferences. Shepley is directed apparently solely, to the nutritional values of foods, and does not deal with services. H ence, c laim 1 2 i s a llowable. Claim 13 includes one or more preferences not based upon the terms of the service itself, and is believed allowable not only for its dependency upon claim 12, but also because Shepley does not disclose the additional limitation of claim 13. In like manner, claim 14 is believed to be allowable in view of its dependency on claim 12 but also because Shepley does not disclose that the service database includes data on the service provider and the user preferences are indicative of the nature of the service provider.

In view of the foregoing, all of the claims presently in the case, *i.e.*, 4 through 15, are believed to be clearly allowable, and favorable action in that regard is earnestly solicited.

Respectfully submitted,

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